

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BERIHU HADERA FKADU,

Plaintiff,

vs.

LINDA PERSONS, Director, Atascadero
State Hospital.

Defendants.

CASE NO. 13-CV-2693-LAB-JMA

**ORDER ADOPTING REPORT &
RECOMMENDATION**

Fkadu filed a habeas petition pursuant to 28 U.S.C. § 2254 on November 7, 2013. Pursuant to 28. U.S.C. § 636, the petition was referred to Magistrate Judge Adler for Report and Recommendation ("R&R"). Judge Adler issued his R&R on September 23, 2014, recommending that Fkadu's petition be denied. Judge Adler ordered that any objections to the R&R be filed by October 14, 2014. Fkadu has filed no objections.

"The court shall make a de novo determination of those portions of the [R&R] to which objection is made." § 636(b). Moreover, § 636(b)(1) does not require some lesser review by the district court when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The Ninth Circuit has determined that the "statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*,

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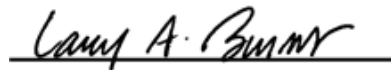
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1 but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
2 (en banc) (emphasis in original).

3 The Court has reviewed the R&R and finds it correct. The R &R is **ADOPTED** and the
4 petition is **DENIED**.

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6 **IT IS SO ORDERED.**

7 DATED: February 13, 2015

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9 **HONORABLE LARRY ALAN BURNS**
10 United States District Judge
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